

AUG 08 2003

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

CATHY A. CATTERSON

U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

DUNKIN' DONUTS INCORPORATED, a
Delaware Corporation,

Plaintiff - Appellee,

v.

BARR DONUT LLC, A New York Limited
Liability Company,

Defendant,

and,

ALEXANDER BARRETT, et al.,

Defendants - Appellants.

No. 02-16933

D.C. No. MC-02-00008-WDB

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
William D. Browning, District Judge, Presiding

Submitted July 17, 2003**

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

** This panel unanimously finds this case suitable for decision without oral
(continued...)

Pasadena, California

Before: KLEINFELD, WARDLAW, Circuit Judges, and POGUE^{***}, CIT Judge.

Appellee was granted summary judgment in the civil action underlying this Privacy Act¹ appeal.² The franchise agreement is terminated, and no timely appeal has been filed in the S.D.N.Y. action. There is no “effectual relief” this panel could grant under Church of Scientology v. United States.³ This appeal is therefore moot.

APPEAL DISMISSED.

^{**}(...continued)
argument. See Fed. R. App. P. 34(a)(2).

^{***} The Honorable Donald Pogue, US Court of International Trade, sitting by designation.

¹ 5 U.S.C. § 552a.

² See Dunkin’ Donuts v. Barr Donut, 242 F. Supp. 2d 296 (S.D.N.Y. 2003).

³ 506 U.S. 9 (1992).